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## GAZETTE.

VOL. VIII---NO. 13.

BUSINESS NOTICES.

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My Pills-Blair's, Whelpton's and Cockle's are crowded out and are included in the Notions. Iron Posts for Wire Fencing, which I will sell for 25 cents each, is much less than the raw material The Funniest of All!-Brussels Carpet which I have for sale, a splendid article, and guaranteed of equal quality, at 30 per cent less than the Carpet for the New Hotel cost in San Francisco, besides which, freight, insurance and duty must be added to the San Francisco cost. It would take a mathematician to calculate the loss incurred by not purchasing here.

Not Queer or Very Queer! The Steamer Kilauca is a decided success and ma-terially assists to promote trade and develop the re-sources of the Kingdom. (Grumblers notwithstand-

The New Hotel. There has been a difference of opinion in cons reduction in rent, for they will have their share from the extra number of visitors to see the wonders of this

This National Hotel, so much needed for the upbuilding of our Sanny Islands, will, in conjunction with other solid improvements made by our Government, immortalize the reign of KAMEHAMEHA VIII. Long may be live and reign.

JOHN THOMAS WATERHOUSE. January 31, 1872-3

NOTICE.

THE UNDERSIGNED RETURNS thanks to all patrons for past favors, soliciting further unpaid quarterly accounts to the 31st Dece ber, 1871, desiring to bave settled without any fur ther efforts to jog parties' memories, as it is a perfect bore to DUN, and objects to it.

His prices have been reasonable and should be paid. It is, he thinks, taking advantage of good

JOHN THOMAS WATERHOUSE. N. B. If not paid soon, he will have to be at the expense of some printed slips not calculated upon when his goods were sold. JOHN THOMAS WATERHOUSE.
January 31, 1872-3



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United States! HAS DONE MORE BUSINESS during

Had an income in 1870 of ... \$7,500,000 Its Assets amount to ..... \$15,000,000

INSURES ON THE ALL CASH PRINCIPLE THE MOST LIBERAL TERMS!

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Rimmel's Extract of Lime Juice and Glycerine, the best preparation for the Hair, repecially in warm climates. Emmel's Dagong Oil Soap, pertuned with Australian Eutyptus.
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Exchange, &c.

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H. HACKFELD & CO. Honolulu, Nov. 4, 1871 .- 45-tf

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Havana & German Cigars! Turkish, Porto Rico and Kanasta Smoking Tobacco, -AND-A Small Lot of Very Fine Cigarettes! ALSO-CONSTANTLY ON HAND

CHEWING AND SMOKING TOBACCO! Meershaum Pipes, Cigar Holders, &c. For Sale at the Oldest Cigar and Tobacco Store

THE VERY BEST

SOLE & SADDLE LEATHER, WAIMER TANNERY, C. NOTLEY, Prop'r Supreme Court.

KALUAHINE (k.,) es. S. B. DOLE, Trustee the Estate of the late Napua Zupplien Kaluahine, deceased.

ON SUBMISSION BEFORE CHIEF JUSTICE ALLEN, AND ASSOCIATE JUSTICES HARTWELL AND WIDEMANN. This case is submitted on an agreed statement

her estate, real and personal, with the exception of her interest in the awa trade, to S. B. Dole, him, to be paid for the goods, demurred, in which trust deed it was expressly declared that the said Trustee shall hold the said "real and personal property and use the same with the issues, rents and profits thereof for her benefit. according to his best judgment, with full power to convey or mortgage the whole or any part of the same, as in his judgment he shall think necessary for the benefit of the said estate or the said grantor, and after the death of the said grantor to convey the said real and personal property, or whatever part of it then remnining in his hands, to the beir, or heirs of her body, or according to the tenor of my will, if I leave a valid will, in fee, or if neither, to my heirs, according to law."

It further appears that Napua Zupplien mar- marriage. ried Kaluahine on the 15th of May, 1871; that previous to marriage she had incurred debts to quence of Opthalma. I am morally certain it will be a decided success in promoting the interests of these fair islands, and a great benefit to them.

Lodging House Keepers need not quake or seek a same by moriguge on her real estate; that Napua Zupplien Kalushine died intestate on the 24th of September, 1871.

The questions submitted are the following: 1 Upon the death of the said Napua, notwithstanding the deed of trust aforesaid, did the personal property belonging to her estate, absointely vest in the husband, Kalenhine, and did his obligation to pay the debts cease?

2. After the death of the said Napua, is her husband, Kaluahine, responsible for her debts, especially those contracted before marriage and

secured by mortgage on her own real estate? The first question which arises in this case there is legitimate issue of the marriage within

shall descend to her heirs. The real estate is not liable to be sold for the terent way. The former circulate them among husband's debts, whether contrateed in his own themselves and they gradually extend to other behalf solely, or for the use of his wife after marriage. But it is liable for the debts of the wife contracted by the wife before marriage, if no same time, and by their successive repitetion property of the husband can be found to satisfy

By the Statutes, the husband is accountable in phrases. There are numerous other ways by his own property for debts contracted by the which they are circulated and rendered popular, wife anterior to marriage. The Statute does not but those just mentioned are the most important. declare that it shall cease on the death of the The most popular phrases at the present time is wife. By what anthority then can the Court so "What are you going to do about it?" Almost adjudge? We are of opinion that it is our duty every person is familiar with its origin and the to give interpretation to our Statutes according various ways it has been used. It sprung into

to their terms. There is no doubt that at common law, the | Tweed and a reporter at the commencement of liability of the husband for debts of the wife, the reform movement, and appearing at an auscontracted dum sola, censed at her death. But pictors moment it was taken up by the press by our Statutes there is no provison to that and spread throughout the country, and is in daily effect, and we are disinclined to give this inter- use everywhere. pretation to the case. But even should we give this interpretation, it could not apply to the in action will be assets in his hands." But as forget how long he told me it lasted. There is they have been and are now in the hands of the an account in the British Methcal Journal of a trustee, we hold that he would have been justified man who, like my friend, was futtooed over the in applying the proceeds to the payment of the whole body, the operation in this instance lastdebts of the grantor, contracted before marriage. ing two months, and being performed by six men, The responsibility of payment rests upon the who each day operated on different parts of the trustee, that he pay no debt not legally due. He victim's body. The man is now to be seen at was vested with full powers to manage the Vienna, where he attends the General Hospital. estate for the best interest of the grantor, and From his own account he is a Greek by birth, after her death to convey the real and personal and has been a pirate. Seven years ago, he and

cording to law, in case she did not make a will. the wild tribes of Asia. Three of them were The debts referred to are still due and unpaid, put to death, but this man, with two others, were and we are of opinion that the personal property preserved alive, and literally tattoord over the in the hands of the trustee should be applied to whole body. He is now covered from head to their payment. And there can be no doubt that, foot with delineations of men, animals and fabuprior to her death, he had full powers to pay said lous things. The coloring material used for the debts from the personal property in his hands, figures appear to be indigo, the ground especialfor he had the large discretion of managing the 'ly on the chest and abdomen, being varmillion.

property according to his best judgment. authorized to receive it. And it could make no Chamber's Journal. difference with the estate whether the debts were paid by the trustee or the administrator: the result would be the same to the husband. We entitled by law to receive it.

in Honolula, corner of Queen and Nuuanu Streets.
6-3m H. L. NOLTE. Tanned Goat and Sheep Skins debts dum sola only during coverture, unless the sea, and an expedition has left San Francisco CONSTANTLY ON HAND and for Sale, creditor receive judgment against him in the for that purpose. Hydraulic machinery of great ating this liability, and to this extent in conflict | Const Wrecking Company, will be employed. 1y-& A. S. CLEGHORN & CO., Agents. with the common law. The doctrine as main- Rown, February 23d.—The Pope, in the consistence MESS PORK—A few barrels first quali-tained by the counsel for the husband, would ry yesterday, pre-canonized twenty-eight Bishops, BOLLES & CO. Work great injustice in a case when the husband including four from dioceses in America.

should receive the property of the wife, end. refuse to apply it to the payment of her debts, and if he is not liable after the death of the wife, this would be often the case.

\$6.00 PER YEAR.

The injustice of the common law has often been commented upon by the Chancellors of England. In the case of Freeman vs. Goodham, Peere Williams, R. p. 410, where a fense It appears that Napua Zupplien made a and afterwards married and died, having brought dum sole bought goods but did not pay for them, deed in trust, bearing date April 15, 1871, of all a good portion which came to the hands of her husband, who, on the creditors filing a bill against-Lord Chancellor, Nottingham, overreled the demurrer, saying with some eurnestness, that he scould after the law in that point. So in the case of Powell vs. Bell, Abridgmout of Cases in Equity, 60 pl. 7. Precedents in Chancery, 256, it was decreed that the wife who had con debts dum sola, being dead, the husband should account for what he had received with her, and should be so far liable to her debts.

We are of opinion that the personal property, nclading the choses in action, conveyed in the deed of trust to S. B. Dole, vests in the husband on the death of the wife, subject to the payment of the debts of the wife contracted anterior to ELISHA H. ALLEN,

I concur, ALTRED S. HARTWELL, Justice. H. A. WIDENANN,

W. C. Jones for Plaintiff.

So B. Dole for Defendant.

Honolulu, 17th February, 1872.

Chief Justice.

POPULAR PHRASES. - The trite old saying " every dog has its day" aptly applies to our subject of popular phrases. They spring up anddenly, play their part, achieve a certain degree of popularity, and then are lost sight of. No one knows where they come from, where they go, or how they go. Their existence is generally short, springing up with some particular event or circomstance, and when it is forgotten the term is, the personal property in the hands of the which expressed its signification drops out of use, trustee liable to pay the debts of the grantor. The success or popularity which accompanies contracted prior to the marriago. Section them is only temporary and of short duration. 1286 of our Statues provides that the husband Some appear periodically, and generally appear shall be accountable in his own property for all new to the majority of us; others are preserved debts contracted by his wife anterior to, and through the agency of the press; but by far the during marriage, as well as to provide for and greater part have sunk into the depths from which support his wife. The husband, in virtue of his they so suddenly burst forth like a meteor which marriage and in consideration of the responsibili-dazzles for a few moments and then leaves a blank, ties imposed on him by law, shall be the virtual or like a smallfry politician, who jumps at a round owner of the movable property belonging to the in the ladder of fame, catches it, holds it for an wife anterior to marriage and accruing to her instant, and then falls back to his previous level. after marriage, and the same shall be liable for They are not, in most cases, remarkable for their his own private debts; and he shall have the elegance, but they are so highly expressive that enjoyment of the real estate, but upon her death they are seized upon by the ignorant and thoughthe shall cease to have control of the real estate. less, are circulated from mouth to mouth, and beand the same shall descend to her heirs, unless coming so widely known are soon made the property of all. The most active agents in circulathe age of legal majority, then the husband shall ting and diffusing these phrases and words are continue to enjoy a cortesy in said property until the wild boys of the streets, commonly called the such issue shall attain majority, when the same "Street Arabs," and the minstrels. Both act classes, while the latter, by means of a song or a joke, address them to hundred of persons at the cause them to "take." Stump speakers also play a prominent part in the diffusion of these

MARKED MEN .- My friend, who was tattoord present case. The personal property consisted in Burmah, was very proud of the horrible thing mainly of choses in action in the hands of the he had made his inseparable companion, and ra-Trustee, as appears by the trust deed referred to ther surprised at the astonishment and dismay in the submission, and not reduced to possession. he created when he appeared-I was going to say Chancellor Kent says "that if the wife leaves in a state of nature-at Brill's Baths, on the occhoses in action not reduced to possession in the casion of a visit to Brighton. He confessed to wife's lifetime, the husband will be hable for her me that his tattooing was a long and painful prodebts, dum sola, to that extent, for these choses cess, as I could well imagine it would be, but I property remaining in his hands to her heirs, ne- five companions were taken prisoners by one of Here and there about a line's breadth of the skin The husband has the prior right of appoint- can be seen. The skin has the general appearment as administrator, although the Judge for ance to the sight and touch of blaish-gray velvet. satisfactory cause may disregard it. But the The hands and soles of the feet are colored red, trustee would be justified in declining to sur- but have no figures. On the face and neck are render the property to any one onless legally inscriptions in characters resembling Arabic .-

existence during an interview between " Boss'

SUNKEN THEASURE -- Off the coast of Equator, near Point Santa Elena, lie the remains of a once egard the personal property in the hands of the | magnificent frigate sent out by Spain in 1802 to trustee as a fund from which to pay the debts of collect tribute money. After collecting about the wife incurred dum solu, and we regard it the 85,000,000, she was wrecked on her way to Panduty of the trustee as within the purview of the ama, and now lies in the direct track of navigntrustee deed to pay all debts of the grantor, to tion, where she has lain for seventy years, only emore all obligations from property in his six hundred feet from the shore. The Spanish hands, and then to pay over the balance to those Government recovered about \$600,000 in the early part of the century, and in later years, an The authorities cited by the counsel for the enterprising American obtained about \$100,000. husband fully sustain the legal position that, at It is now proposed to make a decisive affort to common law, the husband is liable for the wife's recover toe rest of the immense treasure sunk in wife's lifetime. But we regard our Statue as cre- calibre, and the wonderful engines of the Pacific

## Hawaiian Gazetie

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Compulsory Education.

[From the New York Times.]

A correspondent, in a recent home, his presented some very strong considerations in favor of a law for enforced education. There is no doubt that the time has arrived for the introduction of such laws throughout the country. During the first years of the national existence, and especially in New England and the States peopled from that region, there was so strong an impression among the common people, of the immense. importance of a system of free instruction for all, that no laws or regulations were necessary to enforce it. Our ancesters were only too eagur to secure mental training for themselves, and opporfaulties of education for their children. The pub-He property in lands was, in many States, early set aside for purposes of school and college edge cation; and the poorest farmers and laboring penple often succeeded it obtaining for their families and descendants the best intellectual training

which the country could then bestow. But all this has greatly changed in New England and other portions or the country. Owing to foreign immigration and to onequal distribution of wealth, large numbers of people have grown up without the ruliments even of common school education. Thus, according to the report of 1871 of the National Commissioners of Education, there is in the New England States 195,963 persons over ten years of age who cannot write, and are therefore classed as "illiterates." In New York State the number reaches the estounding height of 241,152, of whom 10,639 are of the calored race. In Pennsylvania the number is 272,-356; in Ohio, 173,172, and throughout the Union the population of the illiterates sums up to the fearful amount of 5,660,074. In New York State the number of illiterate minors between one and twenty-one years amounts to 42,405. In this city there are 62,238 persons over ten who camnot write, of whom 53,791 are of foreign birth. Of minors between ten and twenty-one, there are

here 8,917 illiterates. Now it must be munifest to the dollast mind. that a Republic like ours, resting on universal soffrage, is in the stmost danger from such a mass of ignorance at its foundation. That nearly six persons (5.7) in every one hundred in the Northern States should be unedecated, and thirty out of the hundred in the Southern, is certainly an alarming fact. From this dense ignorant multitude of human beings proceed most of the crimes of the community; these are the tools of unprincipled politicians and form the "the daugerous classes" of the city. So strongly has this danger been felt, especially from the ignorant masses of the Southern States, both black and white, that Congress has organized a National Bureau of Education, and for the first time in our history, is taking upon itself, to a limited degree, the care of education in the States. The law making appropriations of public lands for purposes of whacation, in proportion to the illiteracy of each State, will undoubtedly at some period be passed, and then encouragement will be given by the Faderal Government to universal popular education As long as five millions of our people cannot write, there is no wisdom in arguing against interference of the general government in so vital

a matter. During the past two years all intelligent Americans have been struck by the excellent descipline and immense, well-directed energy abown by the Prussian nation-plainly the results of the universal and enforced education of the people. The leading power of Europe evidently bases its strength on the law of compulsory education. Very carnest attention has been given in this country to the subject. Several States are approaching the adoption of such a law. California is reported in favor of it as well as Illinois. Mas. sachusetts, Rhode Island and Connecticut have begun compulsory education by their legislation on factory children, compelling parents to educate their children a certain number of hours each day. Even Great Britain is drawing near it by her late School Acts, and must eventually pass such laws. In our own State, where, of all the free States, the greatest illiteracy exists, therehas been much backwardness in this matter. But under the new movement for raform, our citizens must see where the root of all their trouble lies. The Tweeds, Halls and Sweenss of this city would never have won their amusing power but through those sixty thousand persons who never read or write. It is this class and their associates who made these politicians what they were

We need, in the interests of public order, of liberty, of property, for the sake of our own miety ank the endurance of free institutions here, a strict and careful law which shall compel every minor to learn to read and write, under severs penalties, in case of disobedience. An approach is already made toward this by a law enforcing education among factory children, now before the Senate Judiciary Committee an art prepared with great care by the counsel of the Children's Aid Society, Mr. C. E. Whitehead, We treat. that this will be passed, and that it will be but a stepping-atone toward a more comprehensive act for compulsory education. With such a law abould be passed an act requiring school teachers and Boards of Education to open half time schools for those children who are compelled to be engaged in manual labor a portion of the day.

CUME FOR LOVE-SICKNESS.-I have a friend at London super-Mure, a dear old lady, who keeps a school where young ladies " are finished." The age of these damsels ranges from fourteen to cighteen, west sixteen being the average. Having a confi deutlal chat with my friend, during the calm quies of her last Christmas holidays. I asked her if she was not often troubled by her pupils falling in love. She answered, normeredly: "I have to emetend with no greater difficulty. In a town like this, where we conest walk in any direction without meeting bail a drawn boy's schools, to any nothing of the hundred of lolterers, it seems altogether impossible to preent flirtations from arising, and notes and love tokens being claudestinely exchanged. I spars no pains or art-to guard against or constitued this, but the thing exists, and will exist as long as girls are sixteen and foolish, and young man and lade bold and adventurous. My only plan when I see that the tender passion is developed is to cross it in the bud." "What do you do?" "Tou, will smile when I tell you, for my receipt is the suiltheals of remanen. It is a dose of seems ton." "Seems Den !" "Yes see na tea." Whenever I perceive-as I very quickly do-that one of my youngest has fallen (as she fee cles) into love, I at once take her in hand. I never bint at any thing connected with the tender passion but I treat her as an invalid who is suffering trues an impaired digistion. I keep her close to the house, and does her liberally with some ites. This plan is always attended with somess. Sometimes she gives in after the first few dears, but exhally it takes two or three days to complete the corn.